

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 22-CR-105-WCG

ERIN SCHWEITZER,

Defendant.

MOTION TO WITHDRAW AS COUNSEL

Attorney Michelle L. Jacobs, CJA appointed counsel for Erin Martin Schweitzer, hereby moves to withdraw as counsel pursuant to Wisconsin Supreme Court Rule 20:1.16. As grounds, counsel states as follows:

1. Ms. Schweitzer was previously indicted in *United States v. Schweitzer*, Case No. 19-CR-97 (EDWI). In August 2021, without resolution of the case, the United States moved to dismiss, which the Court granted without prejudice. Ms. Schweitzer was first represented by Mr. Tom Phillip in that case, and later by Mr. EJ Hunt.

2. In March 2022, the United States notified the defense that it intended to recharge the matter. Mr. Hunt was unable to continue the representation, and as a result I was appointed to represent Ms. Schweitzer.

3. I have represented Ms. Schweitzer diligently, ethically, and to the best of my professional abilities since that time.

4. On May 9, 2022, an Information and Plea Agreement that had been negotiated between the parties was filed. After some scheduling difficulties, a change of plea was set for June 22, 2022, by videoconference.

5. At the outset of the June 22nd hearing, the defense requested that any change of plea be adjourned. Immediately after that brief hearing, I had lengthy discussions with Ms. Schweitzer. Based on those discussions, and in the context of my overall dealings with Ms. Schweitzer throughout my representation, I had ethical concerns that I believed might require me to withdraw from the representation. I can represent to the Court that, *among other things*, I was concerned that the attorney-client relationship and communication had entirely broken down. It was also clear, based on our discussions yesterday, that Ms. Schweitzer wished for me to withdraw.

6. This is the first *ever* motion to withdraw (other than for an actual conflict that I have discovered only after appearing on a case) that I had ever even contemplated filing in a criminal case. Thus, I contacted the Wisconsin State Bar Ethics counsel to receive advice about whether I could ethically continue the representation. After a lengthy discussion with ethics counsel, they indicated that I should not and could not continue the representation.

7. On information and belief, Ms. Schweitzer's financial situation has not meaningfully changed since my appointment, and she should continue to be eligible for appointment of counsel under the Criminal Justice Act.

Based on the foregoing, I respectfully request leave to withdraw as counsel.

Dated this 23rd day of June, 2022.

BISKUPIC & JACOBS, S.C.

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